



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 3, 2023

By ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

MEMORANDUM ENDORSED

Re: *Tejada v. United States*, No. 22 Civ. 1135 (GWG)

Dear Judge Gorenstein:

This Office represents defendant the United States of America (the “Government”) in the above-referenced personal injury action brought pursuant to the Federal Tort Claims Act. I write on behalf of both parties to respectfully request a temporary stay of discovery and referral to a different magistrate judge for a settlement conference, since the case is before Your Honor for all purposes, so that the parties can explore the possibility of settlement before incurring the costs associated with completing expert discovery.

Expert discovery in this case is currently set to conclude on August 7, 2023. (ECF No. 41.) The parties have exchanged expert reports, but have not yet conducted expert depositions. Based on discovery to date, the parties believe that settlement negotiations at this time may lead to consensual resolution of the matter. Accordingly, we respectfully request a referral to a magistrate judge for a settlement conference. We also request that the Court temporarily stay discovery in an exercise of its inherent equitable discretion, *see Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), while the parties pursue settlement discussions. If this matter is not yet resolved, we propose to submit a status letter 3 days after the settlement conference to either update the Court on the status of settlement discussions or to seek a new date by which expert discovery must be completed.

I thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Mollie Kornreich
MOLLIE KORNREICH
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-3274

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cc: Plaintiff's Counsel (By ECF)

Application granted. The case is stayed pending the outcome of mediation. We will refer this case to the Court's mediation program as is the Court's usual practice. The Court will withdraw the reference if the mediation is unsatisfactory. The parties shall report to the Court within 10 days of the conclusion of the mediation.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

August 4, 2023